

TAM:JHK
F.#2012V00677

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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MICHAEL CATANIA,
Plaintiff,
- against -
NORMA HERBST,
Defendant.

**STIPULATION AND
ORDER SUBSTITUTING
UNITED STATES OF
AMERICA AS DEFENDANT
AND DISMISSING
THIRD-PARTY COMPLAINT**

Civil Action No.
12 CV 1840

(Spatt, J.)
(Lindsay, M.J.)

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NORMA HERBST,
Third-Party Plaintiff,
- against -

UNITED STATES POSTAL SERVICE;
PATRICK R. DONAHOE, Postmaster General
and Chief Executive Officer both
individually and in his official capacity;
and John Doe and/or Jane Doe, fictitious
Persons yet to be identified,

Third-Party Defendants.

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IT IS HEREBY STIPULATED AND AGREED, by and between Third-
Party Plaintiff NORMA HERBST ("HERBST"), by her attorney, Joseph
J. Ranni, Esq., and Third-Party Defendants the UNITED STATES
POSTAL SERVICE; PATRICK R. DONAHOE, Postmaster General and Chief
Executive Officer both individually and in his official capacity;
and John Doe and/or Jane Doe, fictitious Persons yet to be

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identified, UNITED STATES POSTAL SERVICE ("THIRD-PARTY DEFENDANTS"), by their attorney, LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, James H. Knapp, Assistant United States Attorney, of counsel, as follows:

1. Pursuant to 28 U.S.C. § 2679(d)(1), the United States of America is substituted as party defendant for Plaintiff NORMA HERBST.

2. HERBST's claims against the THIRD-PARTY DEFENDANTS, and any and all claims arising therefrom, are hereby dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) and (c) of the Federal

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Rules of Civil Procedure, with each party to bear its own costs, fees and disbursements.

Dated: Florida, New York
May 24, 2012

JOSEPH J. RANNI, ESQ.
Ranni Law Firm
Attorney for Norma Herbst
148 North Main Street
Florida, New York 10921

By: s/ Joseph J. Ranni
JOSEPH J. RANNI (JR 8537)
(845) 651-0999

Dated: Central Islip New York
May 23, 2012

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
Attorney for the United States
610 Federal Plaza, 5th Floor
Central Islip, New York 11722

BY: s/ James H. Knapp
JAMES H. KNAPP (JK 5517)
Assistant U.S. Attorney
(631) 715-7879

SO ORDERED:

HONORABLE ARTHUR D. SPATT
United States District Judge